

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LORIE DUFF)	
))	
PLAINTIFF)	
)	
v.)	CIVIL ACTION NO. 4:20-CV-03430
)	
FRONTIER AIRLINES, INC. AND ABM)	JURY DEMANDED
AVIATION, INC.)	
)	
DEFENDANTS)	

**PLAINTIFF'S UNOPPOSED MOTION TO CORRECT AND/OR MODIFY THE
AMENDED SCHEDULING ORDER (DOC. NO. 60)**

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW, LORI DUFF ("Plaintiff") requesting the Court to Correct and/or Modify its Amended Scheduling Order dated July 12, 2022 (Doc. No. 60), and for cause would show as follows:

I. Introduction

1. This lawsuit was originally removed from state court to this court on October 5, 2020. Plaintiff brought a claim for personal injuries against Frontier Airlines, Inc., ABM Aviation, Inc. and DAL Global Services, LLC. Based upon settlements reached between Plaintiff and Defendants Frontier and DAL Global, the Hon. Magistrate Yvonne Y. Ho issued a memorandum and recommendation (Doc. 55) to dismiss said Defendants.
2. On June 29, 2022, the Court issued its Order (Doc. 56) that adopted the Magistrate's recommendations, and granted the pending motions to dismiss (Doc. 33, Doc. 47 and Doc. 41). This left just Plaintiff and ABM Aviation, Inc.
3. The Order (Doc. 56) inadvertently dismissed the entire case, which was corrected by the Court with Doc. 59 (Order Granting Motion to Amend Order). On the same day, July

12, 2022, the Court issued a new scheduling order (Doc. 60). Plaintiff was served with an initial draft that had a trial date of March 6, 2023; however, when looking online a few weeks later, it appeared the Order had been further modified and now had a trial date of March 6, 2024.

4. The current docket control order appears, albeit incorrectly to put the case on a 2023/2024 scheduling time line instead of the initial 2022/2023 schedule. In the current order (believed to be incorrect), the deadlines are as follows:

- | | | |
|----|----------------------|-------------------------------------|
| 1. | Discovery | October 14, 2023 (Saturday) |
| 2. | Motions | November 18, 2023 (Saturday) |
| 3. | Joint Pretrial Order | February 3 and 10, 2024 (Saturdays) |
| 4. | Docket Call | March 3, 2024 (Sunday) |
| 5. | Trial | March 6, 2024 (Wednesday) |

If these dates were referring to 2022 (Discovery and Motions) and 2023, the actual dates/days fall on Fridays, except for Trial which would be a Monday (March 6, 2023). Plaintiff believes the current scheduling order was entered in error based upon the above.

5. Requested Relief

Plaintiff requests that the Court further amend the scheduling order to correct the current scheduling order, and would respectfully suggest a trial date in late summer, early fall 2023 would be an appropriate trial setting, subject of course to the Court's availability.

II. Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Court grant this motion to Correct and/or Modify the Court's Order dated July 12, 2022 (Doc. No. 60) and set the matter for trial in late summer, early fall 2023 (or such date as the Court deems appropriate) and further requests all other relief at law or equity for which Plaintiff may show herself entitled.

Respectfully Submitted,

The Forsberg Law Firm, P.C.

BY: /s/ Kevin Forsberg
KEVIN A. FORSBERG
State Bar No.: 24009204
15899 Hwy 105 W
Montgomery, Texas 77356
936-588-6226
936-588-6229 Facsimile
Kevin@forsberglaw.net

CERTIFICATE OF SERVICE

This is to certify that on August 24, 2022, a true and correct copy of the foregoing documents was served by efilng on:

Marc Michael Rose
Rose Law Group PLLC
State Bar No. 24098350
Fed. Id. No. 2943701
777 Main Street, Suite 600
Ft. Worth, Texas 76102
Telephone: (817) 887-8118
Facsimile: (817) 887-8001
E-mail: marc@roselg.com

Brenton J. Allison
Gilman & Allison LLP
2005 Cullen Blvd.
Pearland, Texas 77581
Telephone: (713) 224-6622
Facsimile: (866) 543-3643
E-mail: ballison@gilmanallison.com
COUNSEL FOR DEFENDANT ABM AVIATION, INC.

_____/s/ Kevin A. Forsberg_____
Kevin A. Forsberg